

SHELLIE LOTT, SBN: 246202  
Cerney Kreuze & Lott, LLP  
42 N. Sutter Street, Suite 400  
Stockton, California 95202  
Telephone: (209) 948-9384  
Facsimile: (209) 948-0706

Attorney for Plaintiff

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**  
**FRESNO BRANCH**

SANDRA L. KEPHART,  
Plaintiff,

vs.

ANDREW SAUL,  
Commissioner of Social Security,  
Defendant

Case No.: 1:20-cv-00516-BAM

**STIPULATION AND ORDER FOR THE  
AWARD OF ATTORNEY FEES  
PURSUANT TO THE EQUAL ACCESS  
TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the EAJA in the amount of TWO-THOUSAND FIVE-HUNDRED NINETY-SEVEN dollars and TWENTY-FIVE cents (\$2,597.25). This amount represents compensation for all legal services rendered on behalf of Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412.

After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the

1 assignment will depend on whether the fees and expenses are subject to any offset allowed under  
2 the United States Department of the Treasury's Offset Program. After the order for EAJA fees  
3 and expenses is entered, the government will determine whether they are subject to any offset.  
4 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury  
5 determines that Plaintiff does not owe a federal debt, then the government shall cause the  
6 payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the  
7 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.  
8

9 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
10 attorney fees and expenses, and does not constitute an admission of liability on the part of  
11 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release  
12 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to  
13 EAJA attorney fees and expenses in connection with this action.  
14

15 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security  
16 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.  
17

18  
19 Respectfully submitted,

20 Dated: April 26, 2021

/s/ Shellie Lott

SHELLIE LOTT

Attorney for Plaintiff

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23 McGREGOR W. SCOTT

United States Attorney

24 DEBORAH L. STACHEL

Regional Chief Counsel, Region IX

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26 Date: April 26, 2021

/s/ Marcelo N. Illarmo

(As authorized via email on 4/22/21)

MARCELO N. ILLARMO

Special Assistant United States Attorney  
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SANDRA L. KEPHART,  
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**ORDER FOR THE AWARD OF  
ATTORNEY FEES PURSUANT TO THE  
EQUAL ACCESS TO JUSTICE ACT, 28  
U.S.C. § 2412(d)**

Based upon the parties' Stipulation for the Award of Attorney Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), filed on April 23, 2021 (Doc. No. 23.):

IT IS HEREBY ORDERED that attorney fees under EAJA, in the amount of TWO-THOUSAND FIVE-HUNDRED NINETY-SEVEN dollars and TWENTY-FIVE cents (\$2,597.25), are awarded to Plaintiff, subject to the terms of the stipulation.

IT IS SO ORDERED.

Dated: April 26, 2021

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE